

RECEIVED
CENTRAL FAX CENTER**JUN 06 2005****FAX TRANSMISSION****DATE:** June 6, 2005**PTO IDENTIFIER:** Application Number 10/087,198
Patent Number**Inventor:** Daryl Real et al.**MESSAGE TO:** US Patent and Trademark Office (Examiner Donna A. Jagoe)**FAX NUMBER:** (703)872-9306**FROM:** DARBY & DARBY P.C.
Jay P. Lessler**PHONE:** (212) 527-7765**Attorney Dkt. #:** 05407/100J328-US1**PAGES (Including Cover Sheet):** 12**CONTENTS:** Certificate of Transmission under 37 C.F.R. 1.8 (1 page)
Preliminary Amendment (10 pages)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (212) 527-7765 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

DARBY & DARBY P.C.
P.O. Box 5257, New York, New York 10150-5257
Telephone: (212) 527-7700 Facsimile: (212) 753-6237

PTO/SB/97 (12-97)

Approved for use through 9/30/00. OMB 0651-0031

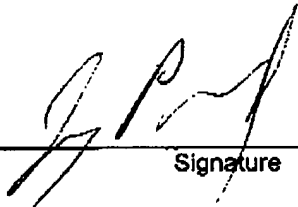
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Certificate of Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office for U.S. Patent Application No. 10/087,198 (filed March 1, 2002) to (703)872-9306 (Group Art Unit 1614, Examiner D. A. Jagoe)

on June 6, 2005
Date



Signature

Jay P. Lessler

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Preliminary Amendment (10 pages)

RECEIVED
CENTRAL FAX CENTER
JUN 06 2005

VIA FACSIMILE TO: (703)872-9306

Docket No.: 05407/100J328-US1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Daryl Real et al.

Application No.: 10/087,198

Confirmation No.: 8576

Filed: March 1, 2002

Art Unit: 1614

For: METHOD OF ENHANCING REPRODUCTIVE
PERFORMANCE OF SOWS

Examiner: D. A. Jagoe

SUBSTITUTE PRELIMINARY AMENDMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This Preliminary Amendment is in response to the Communication mailed June 1, 2005, and substitutes the Preliminary Amendment filed February 24, 2005. The Communication erroneously states that a February 10, 2005 Amendment shows amendments based on the wrong pending claim set. The Communication also refers to a Final Office Action dated April 23, 2004, and a Request for Continued Examination filed on August 23, 2004. No papers were mailed by or submitted to the USPTO on any of these dates (i.e., April 23, 2004, August 23, 2004, or February 10, 2005).

In fact, a Request for Continued Examination was filed on January 31, 2005 entering an Amendment filed on November 19, 2004. The claim amendments in the February 24, 2005

Application No.: 10/087,198

2

Docket No.: 05407/100J328-US1

Preliminary Amendment were based on the claims presented in the November 19, 2004 Amendment.

Applicants gratefully thank Supervisory Examiner Christopher Low and Examiner Jagoe for the courtesies shown during the telephone interviews today regarding the June 1, 2005 Communication. During the telephone interviews, the aforementioned errors were noted by the Examiners. It was also noted that claim 17 in the February 24, 2005 Preliminary Amendment included the identifier "previously presented", when in fact the claim was new. This error is corrected in the present Substitute Preliminary Amendment.

Before examination, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 5 of this paper.